

IN RE: PETITION FOR ZONING VARIANCE
SW/S Holcomb Court, 112' S of
the c/l of Holcomb Court
(56 Holcomb Court)
15th Election District
6th Councilmanic District
Wanda Y. Vinson
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-375-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein request a variance to permit a side yard setback of 6 inches in lieu of the required 2.5 feet for an accessory building (shed), and an amendment to the Partial Development Plan of Village of Pawnee, Section 1-A, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Mr. & Mrs. Michael Bittings, adjoining property owners, appeared as Protestants.

Testimony indicated that the subject property, known as 56 Holcomb Court, consists of .047 acres more or less zoned D.R. 16, and is improved with a single family dwelling which has been the Petitioner's residence since 1986. Petitioner commenced construction of a 9' x 16' storage shed to store personal property and to provide work space to pursue her woodcraft and ceramics hobbies. When she applied for a building permit, Petitioner was advised that the location of the shed 6" from the property line was in violation of the zoning regulations. Petitioner spoke with the affected property owners who indicated they had no objection to the location of the shed. Petitioner testified that denial of the requested variance would result in practical difficulty for her without any benefit to the community.

Mr. & Mrs. Bittings appeared to indicate their objections to the building itself being an eyesore and their fear of it being used for commercial purposes.

The Bittings introduced photographs identified as Protestants' Exhibits 3A through 3D to support their position, and statements of objections from two other adjoining property owners.

At the close of the hearing, the Bittings respeated and indicated that in light of Petitioner's statement that the building was not completed and would be painted and made to look aesthetically pleasing, they were willing to withdraw their objection to Petitioner's request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, and due to the lack of protest by the affected adjoining property owner and a reconsideration of the requested variance by the Protestants, it is clear if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of April, 1989 that the Petition for Zoning Variance to permit a side yard setback of 6 inches in lieu of the required 2.5 feet for an accessory building (shed) and an amendment to the Partial Development Plan of Village of Pawnee, Section 1-A, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall complete the accessory structure (shed) within sixty (60) days of the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3333
J. Robert Haines
Zoning Commissioner

April 4, 1989



Dennis F. Rasmussen
County Executive

Ms. Wanda Y. Vinson
56 Holcomb Court
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
SW/S Holcomb Court, 112' S of the c/l of Holcomb Court
(56 Holcomb Court)
15th Election District - 6th Councilmanic District
Wanda Y. Vinson - Petitioner
Case No. 89-375-A

Dear Ms. Vinson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. Michael Bittings
54 Holcomb Court, Baltimore, Md. 21220

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 550A.1. To permit a 6" side lot line setback for an accessory building (shed) in lieu of the minimum 2 1/2' and an amendment to the Partial Development Plan of Village of Pawnee, Section 1-A.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. THE SHED IS ERRECTED AND PERMANENT AS SHOWN ON THE PROPOSED PLAT SHEET.
 2. THE SHED IS LARGE AND BULKY AND WOULD TAKE A GREAT EFFORT TO TRY TO PULL OVER FROM THE PROPERTY LINE THE EXTRA TWO FEET THAT IS REQUIRED BY THE PERMIT.
 3. NOT ONLY WOULD THE EFFORT BE GREAT TO MOVE THE SHED, THE COST WOULD BE GREAT ALSO, AND I AM A SINGLE FEMALE TRYING TO KEEP MY FAMILY TOGETHER WITH ONLY MY INCOME. AT THIS TIME IT WOULD BE A GREAT HARDSHIP FOR MY FAMILY.

NOTE: THE PROPERTY LINE WHERE THE SHED IS SITTING NEXT TO, THAT NEIGHBOR DOES NOT MIND. EVERY SHED IN MY DEVELOPMENT IS AS CLOSE TO THE PROPERTY LINE AS MINE. Property is to be posted and advertised as provided by the Zoning Law of Baltimore County.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

SELF
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
WANDA VINSON
Name
56 HOLCOMB COURT
Address
BALTO, MD. 21220
City and State
WORK - 584-3184
HOME - 574-6279
Phone No.

Attorney's Telephone No.:
56 HOLCOMB COURT
Address
BALTO, MD. 21220
City and State
Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this 28th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 406, County Office Building in Towson, Baltimore County, on the 16th day of March, 1989, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date	Receipt	FEE	TYPE	Identification Number	Zip Code
Day Month Year	Number				
01/12/89	059826	01	5	15	21220
Petitioner:	Vinson	Wanda			
	(Last)	(First)			
Property Address:	56	Holcomb Ct			
	(Number)	(Street)			

BALTIMORE COUNTY, MARYLAND	No. 059826
OFFICE OF FINANCE - REVENUE DIVISION	
MISCELLANEOUS CASH RECEIPT	
DATE 01/12/89	AMOUNT \$35.00
PAY TO THE ORDER OF Wanda Vinson	
FOR BALANCE OF VARIANCE FEE (Item # 886)	

ZONING DESCRIPTION

BEING KNOWN AND DESIGNATED as Lot No. 22 as shown on the Plat entitled "Section One, Village of Pawnee", which is recorded among the Land Records of Baltimore County in Plat Book E.H.R. Jr. No. 50 Folio 137. The improvements therein being known as No. 56 Holcomb Court in the 15th Election District.

TO: ZONING COMMISSION BALTIMORE COUNTY

FROM: HELEN R. PETERSON
50 Holcomb Ct.
Baltimore, Md. 21220

I strongly object to the building erected on the back lot of #56 Holcomb Ct. First of all it is too large and unsightly for the size of the lots. It appears to protrude beyond its allotted boundaries. Should a family need a storage shed there are those that are available or can be built that conform with the architecture of the area. Should this structure be allotted for anything other than personal use, or for some type of business pursuit, it would then be considered illegal since we are zoned for strictly residential occupancy.

Respectfully submitted this 28th day of March 1989.

Helen R. Peterson

This statement submitted by Helen Peterson is notarized

this 28th day of March 1989 by Carol G. Budor

a notary in the State of Maryland in the County of Baltimore

Commission expires: July 1, 1990

PROTESTANT
EXHIBIT 1

TO: ZONING COMMISSION BALTIMORE COUNTY

FROM: RICK AND CATHY CLASING
52 HOLCOMB CT.
BALTIMORE, MARYLAND 21220

MARCH 28, 1989

WE STRONGLY OBJECT TO THE BUILDING IN THE BACK LOT OF #56 HOLCOMB CT. THE BUILDING IS VERY HIGH AND IS TO BE USED FOR PERSONAL POSSESSIONS, AND IT APPEARS THAT IT IS BEING USED FOR A SMALL BUSINESS. OUR NEIGHBORHOOD IS ZONED RESIDENTIAL, NOT COMMERCIAL. THE BUILDING'S APPEARANCE DOWN GRADES THE OVERALL LOOK OF THE COMMUNITY AND THE LOWERS THE VALUE OF OUR HOMES. WE FEEL THE ZONING SHOULD BE UPHOLD AND UNCHANGED. AS A SIDE NOTE WE NEVER SAW A BUILDING PERMIT POSTED IN THE FRONT OF THE PROPERTY OR WINDOW, AND DO NOT UNDERSTAND THAT IF A PERMIT WAS ISSUED HOW IT WAS GRANTED FOR A BUILDING THIS LARGE IN THIS TYPE OF AREA. WE ALSO DO NOT UNDERSTAND HOW THE INSPECTOR COULD OVERLOOK A 2 FOOT MISTAKE.

RESPECTFULLY YOURS,

Richard Wesley Clasing
Catherine Jean Clasing



Witnessed and attested this 28th day of March 1989

Helen R. Peterson

Comm expires: July 1, 1990

PROTESTANT
EXHIBIT 2

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 3, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Ms. Wanda Y. Vinson
56 Holcumb Court
Baltimore, MD 21220

RE: Item No. 288, Case No. 89-375-A
Petitioner: Wanda Y. Vinson
Petition for Zoning Variance

Dear Ms. Vinson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

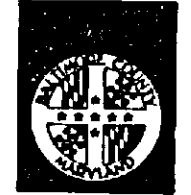
Enclosures

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

March 1, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295 & 296.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
MAR 3 1989
ZONING OFFICE

89-375-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
25th day of January, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: *James E. Dyer*
Chairman, Zoning Plans
Advisory Committee

Petitioner: *Wanda Y. Vinson*
Petitioner's
Attorney

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: March 7, 1989
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash);
SUBJECT: 89-364-A (Laplan); 89-368-A (Appel); 89-369-A (Mathal); 89-375-A (Vinson); 89-376-A (Gambrell); 89-378-A (Lim); 89-379-A (Freundlich); 89-387-A (Babikow) and 89-393-A (Lbman)

The Office of Planning and Zoning has no comment on the above listed petitions.

PK/sf

RECEIVED
MAR 9 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

February 7, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Wanda Y. Vinson
SW/S of Holcumb Court, 112' S of the center
Location: line of Holcumb Court

Item No.: 288

Zoning Agenda: Meeting of January 24, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke*
Fire Prevention Bureau
Special Inspection Division

NOTED & APPROVED: *John F. O'Neill*
Fire Prevention Bureau

/j1